

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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In re :  
CITY OF DETROIT, MICHIGAN, : Chapter 9  
Debtor. : Case No. 13-53846  
: Hon. Steven W. Rhodes  
: :  
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**CERTIFICATE OF NO OBJECTION TO NOTICE OF  
FINANCIAL GUARANTY INSURANCE COMPANY ASSERTED RIGHT TO  
VOTE AND MAKE ELECTIONS WITH RESPECT TO CERTAIN DWSD BOND CLAIMS**

I, Alfredo R. Pérez, counsel for Financial Guaranty Insurance Company  
("FGIC"), do hereby certify that:

1. On May 27, 2014, FGIC filed with this Court the *Notice of Financial Guaranty Insurance Company Asserted Right to Vote and Make Elections with Respect to Certain DWSD Bond Claims* [Docket No. 5056] (the "**Notice of Asserted Right to Vote a Claim**").

2. Pursuant to the Notice of Asserted Right to Vote a Claim, FGIC asserted it's right to (i) vote to accept or reject the *Fourth Amended Plan for the Adjustment of Debts of the City of Detroit*, dated May 5, 2014 [Docket No. 4392] (as may be amended or supplemented, the "**Plan**") and (ii) elect the form of payment to be distributed under the Plan, in each case in respect of all claims in Classes 1A-10 through 1A-19, 1A-100 through 1A-110, 1A-112, and 1A-243 (collectively, the "**FGIC DWSD Bond Claims**"). (Notice of Asserted Right to Vote a Claim ¶ 5.)

3. Prior to the filing of the Notice of Asserted Right to Vote a Claim, on May 23, 2014, Berkshire Hathaway Assurance Corporation (“**BHAC**”) filed with this Court *Berkshire Hathaway Assurance Corporation’s Notice of Asserted Right to Vote Claims* [Docket No. 5029] (the “**BHAC Voting Notice**”).

4. Pursuant to the BHAC Voting Notice, BHAC asserted its right to vote to accept or reject the Plan and make distribution elections under the Plan with respect to, among others, the FGIC DWSD Bond Claims. (BHAC Voting Notice p. 1).

5. On June 20, 2014, BHAC filed *Berkshire Hathaway Assurance Corporation’s Notice of Withdrawal of Notice of Asserted Right to Vote Claims* [Docket No. 5471], pursuant to which BHAC withdrew, with prejudice, the BHAC Voting Notice.

6. The Notice of Asserted Right to Vote a Claim was filed pursuant to the *Order (I) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment and (II) Approving Notice Procedures Related to Confirmation of the Plan of Adjustment* [Docket No. 2984] (the “**Solicitation Procedures Order**”), as amended by the *Fifth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor’s Plan of Adjustment* [Docket No. 5259].

7. Pursuant to the Notice of Asserted Right to Vote a Claim and the Solicitation Procedures Order, as amended, the deadline for parties to object to the Notice of Asserted Right to Vote a Claim was June 24, 2014. In addition, the Solicitation Procedures Order provides that if no party “contests a Notice of Asserted Right to Vote a Claim, the Claiming Party will be granted the relief sought in its Notice of Asserted Right to Vote a Claim.” (Solicitation Procedures Order ¶ 9.h.)

8. On June 24, 2014, the Ad Hoc Committee of DWSD Bondholders (the “**Ad Hoc Committee**”) filed the *Statement of the Ad Hoc Committee of DWSD Bondholders in Response to Insurers’ Notices of Asserted Right to Vote Claims* [Docket No. 5574], pursuant to which “each member of the Ad Hoc Committee . . . agreed that they will not contest the Insurers’ rights to vote the DWSD Insured Bond Claims.”

9. On June 24, 2014, the Ad Hoc Committee, certain other holders of DWSD Insured Bond Claims, and certain insurers, including FGIC, entered into a stipulation [Doc. No. 5577] (the “**Stipulation**”), pursuant to which “each holder of DWSD Bonds agree[d] that it will not contest the Insurers’ rights to vote the DWSD Insured Bond Claims.”

10. On June 25, 2014, the Court entered an order approving the Stipulation [Doc. No. 5558].

11. No other responsive pleadings or objections with respect to the Notice of Asserted Right to Vote a Claim were timely filed with the Court.

WHEREFORE, FGIC respectfully requests that the Court grant the relief requested in the Notice of Asserted Right to Vote a Claim and enter an order substantially in the form annexed hereto as **Exhibit “1”**.

I certify the foregoing is true and correct.

Dated: July 3, 2014  
Houston, Texas

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**EXHIBIT 1**

**Proposed Form of Order**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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In re : Chapter 9  
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CITY OF DETROIT, MICHIGAN, : Case No. 13-53846  
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**ORDER AUTHORIZING FINANCIAL GUARANTY INSURANCE COMPANY TO VOTE  
AND MAKE ELECTIONS WITH RESPECT TO CERTAIN DWSD BOND CLAIMS**

This matter having come before the Court on *Notice of Financial Guaranty Insurance Company Asserted Right to Vote and Make Elections with Respect to Certain DWSD Bond Claims* (the “**Notice of Asserted Right to Vote a Claim**”), filed by Financial Guaranty Insurance Company (“**FGIC**”); and due and proper notice of the hearing to consider and an opportunity to object to the relief requested therein having been given to all parties registered to receive electronic notices in this matter; and upon the entire record of all the proceedings before the Court; and the legal and factual bases set forth in the Notice of Asserted Right to Vote a Claim establishing just and sufficient cause to grant the relief requested therein;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. FGIC is the sole party authorized to vote to accept or reject the Plan<sup>1</sup> in respect of the FGIC DWSD Bond Claims, as set forth in the Notice of Asserted Right to Vote a Claim.

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<sup>1</sup> Capitalized terms used but not defined herein have the meanings ascribed to such terms in the Notice of Asserted Right to Vote a Claim.

2. FGIC is the sole party authorized to make the election contemplated in Article II.B.3.a.ii.B of the Plan in respect of the FGIC DWSD Bond Claims.

3. The City shall disregard any vote and/or election in respect of the FGIC DWSD Bond Claims submitted by any party other than FGIC.

It is so ordered.

Signed on \_\_\_\_\_, 2014

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**STEVEN RHODES**  
**UNITED STATES BANKRUPTCY JUDGE**